App. F. IX-4

1927-28

File No. 20-27

Previous References (Prisons)

Serial Nos. 1

Later References
Pris. 31-27 (1-4)

General and Revenue Secretariat.

Serial Nos. One

Part B for September 1927

SUBJECT

Revision of the rules for the grant of remissions to Prisoners confined in the Jails of the State.

Govt. No. 1) To The S.P. & Prisons

No. & 2866 dt. 10.9.1927

Directed that certain amendments be made to the remission rules contained in chapter IX of the Mysore Jail Manual Vol I

Mohanrao
23.12.1927

WD 01329—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat | Pros | File No. 20 | of 192

Serial No.

Jails and Jail Committees re Commendations

1) Extract from Pris. file 22 of 22-23
"Take action if it has not been already taken on the members' orders on the various recommendations. A Go. may be put up on each connected matter"

Ind. R. R
19/5

2) "Submitted the file to the Member in person today and explained and obtained instructions for having further action"

Ind. M. S.
20/5

3) As submitted to the Member yesterday, action has been taken on a few points, in the proposals given on the Jail Committee's report Dr. of Prisons. There are yet a number of points on which action is necessary. As ordered by the member, each connected matter will be worked up separately and submitted for orders.

4) As the revision of the rules regarding the remission system appears to be urgent, this has been taken up first

5) The present rules about remissions are contained in Chapter XX of the Mysore Jail Manu

NOTE—Contn. Sheet

Serial No.

Flag W

Rules 290 to 312

6) The recommendations of the Indian Jails Committee of 1920 on this question are found in Chapter XI. Section I paras 247 to 254 of their report. The changes recommended are:-

(1) Remission should be extended to sentences of 6 months and over.

(2) Ordinary Convicts should be able to earn a remission of 2 days in a month for conduct and 2 days for industry.

(3) A Convict unable to work beyond on account of circumstances beyond his control should be given remission for Conduct and industry.

(4) Special remission of 15 days in a year should be computed from the 7th day of the month following the date of Prisoners Sentence

(5) Special remission may be granted also to prisoners not entitled to ordinary remission under the rules.

(6) The classification of a life term convict into Class I, II or III for the purpose of

NOTE—Contn. Sheet

WD 01225—GPB—37,500—1-9-26
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Remission Rules should be made by the Courts passing Sentence, or be referred to Govt for orders if they have not done it.

(7) Forfeiture of past remissions and exclusion from future remission for certain offences after admission into Jail should be inflicted only with the Sanction of the D.G. of Prisons

Flag V.

1) An extract pertaining to these points, from the tabular statement furnished by the D.G. of Prisons, Setting out the recommendations of the Committee, the present rule or practice, the opinions of the Supdt. B.C. Jail and the D.G. of Prisons, and the orders of the Member, is here with put up for Convenience of reference.

2) From the orders appearing in the extract, it will appear that no action is called for as regards points (5), and (7) mentioned above.

3) As regards (6) i.e. classification of life term Convicts by Courts, action will have to be

NOTE. Contn. Sheet

C/135
Gm 9632

WD 01229—GPB—37,500—1-9-26
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taken after Consulting the Chief Court, the extracts pertaining to the case, if approved, by Secretary to the Courts Section of the Law Secretariat for further action.

12086/25

(2) A draft G.O. on the lines of the members orders in respect of the remaining points is submitted for Consideration.

Sec 21

Law Secy)
1st Member

(1) I agree to Govt approval + DFN as the release as remission is included.
26/5.
12

(2) G.O.M. Submitted

Gen Secy
Sec 7/6

1st Member
Law Secretary
Rly 20/6
Sentence
proposed changes
Submit to Govt.

Sec 21/6

Law Secy
Sec 24/6

C.W. Member
Rly 20/6

13089/20/6

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DEWAN'S OFFICE
Received on
31. JUL. 1927
Reg No. 127
Serial No.

16 The wording of the proposed changes in rules seems all right & may be adopted

Gen[l] Secy with compts

84
27.7
28
28/7

17 For perusal
Dewan.

RR
30/7
30/7

18 DD
31-7-27
84
2/8. 2/8

19 D. F. N already approved by the Secy is put up.

2/8
8/8

Gen. Secy)

Just mem[r]

RR
10/8
10/8

20 DSN

RR
13/8
13/8

NOTE—Contn. sheet

GPB—5,000—30-3-27

9632

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App. F. III—2]

General and Revenue Secretariat. | Pers File No. 20 of 192 7

Serial No.

1 Dep. Sec.

Jo Min

16/8

Gen. Sec. 20/8 18/8

DEWAN'S OFFICE.
Received on
20. AUG. 1927
Reg. No. 1377.

Dewan

RR 19/8

Min 19/8

F.N. Signed by Member 23/8/27

1608 29/8

20-8-27

To Dy. S. G. & Prisons

No. 2866 dt 10.9.27

Direct that certain amendments be made to the remission rules contained in chapter XX. & the Mysore Jail Manual (Vol I)

NOTE—Contn. sheet

GPB—5,000—30-3-27

(7

Final Note by the First Member of Council.

Subject :—

Revision of the rules about the grant of remissions on the lines recommended by the Indian Jails Committee of 1920

23 These papers relate to the revision of the rules about the grant of remissions to prisoners confined in the Jails of the State on the lines recommended by the Indian Jails Committee of 1920

24 The present rules on the subject are contained in Chapter XX of the Mysore Jail Manual Vol. I., Rules 290 to 312. The recommendations of the Committee are in the direction of liberalising the rules - - governing the grant of remissions.

25 Ordinary remission is now admissible to prisoners whose sentence is not less than one year. The Indian Jails Committee have recommended that this remission should be extended to prisoners under a sentence of not less than six months. The Inspector General of Prisons considers that the remission may be extended to all prisoners under a sentence of not less than two months including prisoners sentenced for default of payment of fine.

26 The scale of ordinary remission now admissible is one day per month for thoroughly good conduct and scrupulous attention to all prison Regulation and two days per month for industry and for the performance of the Jail task imposed. The Committee have recommended that the scale of remission for good conduct may be raised to two days per month.

27 Under the present rules, the additional remission of 15 days per year admissible to prisoners who have not committed any prison offence is calculated from the first day of the quarter following the date of their sentence. The Committee recommend that the special remission of 15 days should be computed from the 7th day of the month following the date of the prisoner's sentence. The earning of special remission may commence from the 1st of the month, instead of the 1st day of the quarter following the date of the prisoner's sentence.

These

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(4) These changes may be graciously sanctioned.

K (5) A draft order sanctioning the necessary amendments to the rules in Chapter XX of the Mysore Jail Manual is submitted for the gracious approval of His Highness.

MEMBER OF COUNCIL.

Bangalore,
22nd August 1927.

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Submitted to His Highness.

30 I submit herewith a Final Note by the First Member of Council on the revision of the rules about the grant of remissions to prisoners confined in the Jails of the State on the lines recommended by the Indian Jail Committee of 1920, for His Highness' gracious approval.

Mysore,
24th August 1927.

Mirza M. Ismail
D E W A N.

F.J.P

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Revision of the rules for the grant of remissions to prisoners confined in the Jails of the State.

110

Order.

~~KRW~~
25/8/27

1750
29/8

28-8-27

D.O. No 50
1 file

G.M. 9632

THE PALACE,
MYSORE.

26th August 1927.

My dear Mirza,

In returning herewith the file relating to the revision of rules for the grant of remission to prisoners confined in the Jails of the State, I hope you will pardon my suggesting that, if this has not already been done, the attention of the judges and magistrates should be called to the remission rules.

I found in British India that magistrates and even judges were sometimes completely ignorant of the remission rules, which meant that they were not fully aware of the effect of the sentences they were imposing.

Yours sincerely,

G Rodhmend

D.O. No. 11.88. (Home)

(12

28th August 1927.

My dear Sir Charles,

I am much obliged for your letter No.50 dated 26th August 1927, suggesting that the attention of Judges and Magistrates should be called to the revised rules for the grant of remissions to prisoners confined in the Jails of the State. I have issued instructions that this suggestion may be adopted.

Yours sincerely,

(Sd) Hugh M. Stuart

General and Revenue Secretariat. | File No. | of 192

Serial No.

Action has been taken on the orders of the Govt. under intimation to the Private Secy. and the papers relating to this Branch taken and the file is herewith returned to the Govt. Branch

21/10

To the Govt. Branch

28/10

8/11

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28/10

NOTE—Contn. sheet.

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Pri 20-24-1

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R e a d:-.

The proposals of the Inspector General of Prisons on the recommendations of the Indian Jails Committee, about the revision of the rules regarding the Remission System, contained in Chapter XX of the Mysore Jail Manual.

G.O. No. G 2866 Dated. 10:9:27.....

Government are pleased to direct that the following amendments be made to Chapter XX (Remission System) of the Mysore Jail Manual:-

Rule 291

For the words 'one year' occuring in Clause 1 of this rule and the note thereunder substitute the words 'two months'. Delete the words " Exclusive of any sentence passed in default of payment of fine" in clause 1 of this rule.

After the amdndment, the rule and the note will read as follows:-

No ordinary remission shall be carned in the following cases, Viz:-

(1) in respect of any sentence of imprisonment amounting to less than two months;

NOTE:- The intention of this rule is that if a prisoner's sentence or total of sentences is reduced on appeal to less than two months he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of his sentence or sentences shall be forfeited.

2. in respect of any sentence of simple imprisonment except for any continuous period not being less than one month during which the prisoner labours voluntarily.

Ek III (5)
5/9

Rule 294

For the words 'One day' in clause (a) of thi rule substitute the words 'two days.' After the amendment the rule will read as follows:-

294. Ordinary remission shall be awarded on the following scale:-

(a) Two days per month for thoroughly good conduct and scrupulous attention to all Prison Regulations.

(b) Two days per month for Industry and the due performance of the daily task imposed.

Explanation:- A prisoner who by reason of being at Court, in Hospital, in transit from one jail to another, or in an invalid gang which does not perform daily labour, or for any two or more of these reasons combined, is absent from work for the period of one whole calendar month, shall be debarred from earning remission for that month under clause (b), but remission under clause (a) shall be awarded according to the prisoner's conduct during the time he has actually been present in jail.

Rule 298

For the words 'Quarter' occuring in line 3 substitute the word ' Month.' After the amendment, the Rule will read thus:-

298. Any prisoner eligible for remission under these rules who, for a period of one year reckoned from the first day of the month following the date of his sentence or the date on which he was last punished for a prison-offence has committed no prison-offence whatever, shall be awarded 15 days' ordinary remission in addition to any other

other remission earned under these Rules.

Rule 300

For the words 'Quarter' occuring in several places read 'month' and for the wordx 'quarterly' in the last line of the rule read 'monthly'. After the amendment the Rule will run as follows:-

300. An Officer awarding ordinary remission shall, before making the award, consult the prisoner's history ticket in which every offence proved against the prisoner must be carefully recorded.

If a prisoner has not been punished during the month otherwise than by a formal warning, he shall be awarded the full ordinary remission for that month under Rule 294 or, if he is a convict officer, under Rule 295.

If a prisoner has been punished during the month otherwise than by a formal warning, the case shall be placed before the Superintendent, who after considering the punishment or punishments ~~xx~~ awarded, shall decide what amount of remission shall be granted under Rule 294 or if the convict is a convict ~~offic~~ officer, under Rule 295. All remissions recorded on the prisoner's History Ticket shall be entered monthly in the remission sheet(or card.)

Rule 301

For the words 'The award of ordinary remission shall be made as nearly as possible on 1st January, ~~on~~ 1st April, 1st July and 1st October' read 'The award of ordinary remission shall be made as nearly as possible

on the first of the month following'. After the amendment the rule will read as follows:-

301. The award of ordinary remission shall be made, as nearly as possible, on the 1st of the month following, and the amount shall be intimated to the prisoner and recorded on his History Ticket. Remission granted to a prisoner under Rule 298 shall be recorded on his History Ticket as soon as possible after it is awarded.

Jail Secretary

Remissions

No.	Committee's recommendation.	Existing Practices.	Superintendent's Opinion.	Inspector-General's remarks.	Order of Government (I accept)
248.	Section 1. Remission. Remission to be extended to sentences of 6 months and over.	Prisoners sentenced to one year hard labour are only entitled to remission.	This must be extended to all prisoners who are sentenced to 2 months and above. Under Rule 291 Cl.2 simple prisoners are shown better consessions and it is in equitable to treat prisoners who are bound to work worse than simple prisoners who choose to work. I would recommend remissions to be given to prisoners who are undergoing rigorus imprisonment in default of payment of fine as they work and have to maintain good conduct.	I agree.	No objection. for N.C
249.	Ordinary convicts should be able to earn 2 days a month for conduct and 2 days for industry. Rule 294 (a)	1 day for conduct and 2 days for industry.	I agree as good conduct should be liberally rewarded.	I agree.	No objection.
250.	A convict unable to labour for reasons beyond his control should not be debarred from earning remission for conduct and industry. Exp. to Rule 294.	If absent from work for the period of one whole calendar month he loses remission for industry.	Such prisoners may be given conduct remissions for the whole period they are in Hospital but it would be a pious fraud to give them remission for industry when no work is done by them.	I agree.	Yes.
251.	Forfeiture of past remission and exclusion	Rule 292 S.M.J.M. It is only when a	I agree because in serious cases of assault on officers	I agree - Vide remarks against 232	No change necessary

	From future remission for certain offences after admission Jail should be inflicted only with the sanction of the Inspector General of Prisons Rule 292.	prisoner is convicted by a Court for certain offences this punishment is inflicted.	and deliberate and constant breech of Jail rules this punishment would be deterent. The Sections may be amended early.	Item No.10 [illegible] dated 17-8-1925.	also see letter no
252.	Good conduct remission of 15 days in a year should be computed from the 7th day of the month following the date of prisoner's sentence or last punishment) and not from the 1st day of the following quarter. Offences punished with warning do not interrupt good conduct. Rule 298.	Rule 298 M.J.M. Good conduct remission begins from the 1st day of the quarter following the date of sentence.	I agree with the recommendation as I don't see the equity of the rule postponing the earning of the remission to a quarter even though he will be working during the period and he is bound to maintain good conduct from the day he is admitted to prison.	I agree.	No objection.
253.	It should be made clear that special remission may also be granted to prisoners not entitled to the benefits of the remission system. Rule 303.	The practice is that it is given only to prisoners) who are entitled to remission.	The wording of the Section R. 303 is plain and the remission can be given to any prisoner. The Section does not require any amendment if it is understood that it is applicable to all.	No change called for. The section (303) applies to "any prisoner"	should be so interpreted.
254.	The classification of a life-convict i.e., whether he should belong to classes 1, 11, or 111 for the purposes of the remission System should be done by Courts or referred to Government for orders if courts fail to do it. Rule 290.	This is done in the Jail.	This should be by the Courts aided by the Police.	I agree.	Orders may issue accordingly.

21/5